

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:06cr3109
)	
Plaintiff,)	
)	ORDER ON REQUEST FOR HEARING
vs.)	ON RULE 35(b) MOTION
)	
H. WILLIAM SADD,)	
)	
Defendant.)	

In a conference call with counsel on May 19, 2009, the United States of America orally requested a hearing on its Rule 35(b) motion, filing 52. To be in a position to assess appropriately the information about the defendant's assistance to the government I need to become aware of the parties' positions a reasonable time before sentencing. Accordingly,

IT IS ORDERED that:

- A. not later than ten days before the sentencing hearing the government shall file under seal and serve the following information:
1. the significance and usefulness of defendant's assistance;
 2. the truthfulness, completeness and reliability of any information provided by the defendant;
 3. the nature and extent of the defendant's assistance;
 4. any injury suffered, or any danger or risk of injury to the defendant or family of the defendant resulting from the assistance;
 5. the timeliness of the defendant's assistance;
 6. the duration of the defendant's assistance; and
 7. other information that may bear on the evaluation of the significance or usefulness of the defendant's assistance;

- B. no later than five days prior to the sentencing hearing the defendant's counsel shall file under seal and serve his or her position regarding items 1 through 7 above.

In addition, each counsel is invited to recommend a level or percentage of reduction in the sentence, together with its rationale, which may include recitation of sentences imposed under similar circumstances by me or other judges in this district or circuit.

IT IS ORDERED that:

- C. the oral request for hearing on Rule 35(b) Motion, filing 54, is granted;
- D. the hearing will be held on June 9, 2009, at 1:30 p.m. in Courtroom 4, U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebraska;
- E. counsel for the defendant has indicated that his client does not want to be present at the hearing.

Dated May 20, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge